

REMARKS

The present amendment is in response to the Office Action dated March 28, 2007. Claims 1-34 are now present in this case. Claims 1 and 14 are amended.

The applicant wishes to express her appreciation to the Examiner for the indication that claims 5-6, and 17-18 would be allowable if rewritten in independent form. However, the applicant believes that the claims are allowable in their present form.

Claims 1-4, 7, 10, 14-16, 19-20, and 23 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,972,559 to Anacker. The applicant respectfully traverses this rejection and requests reconsideration. Anacker discloses a dual purpose chair in which the user may rotate the frame from a more reclining orientation (defined in the Office Action as the first configuration, shown in Figure 4) or rotated so that the chair is in a more upright configuration (defined in the Office Action as the second configuration, shown in Figure 1). However, this differs significantly from the invention recited, by way of example, in claim 1.

Claim 1 is directed to a reconfigurable furniture system that rests on a support surface, such as a floor. The furniture system is operable as a chair or a table, depending on its position in a first or second configuration, respectively. Claim 1 recites *inter alia* "an operating surface member being positioned on and supported by the first and second cross-members when the furniture system is in a first configuration with the second portion of the first side frame and the second portion of the second side frame resting on the support surface in the first configuration, the operating surface member being positioned proximate and supported by the first and second support members when the furniture system is in the second configuration with the third portion of the first side frame and the third portion of the second side frame resting on the support surface in the second configuration, whereby the entire operating surface member is maintained in a substantially planar arrangement when the furniture system is in the second configuration." The second configuration is shown, by way of example, in Figure 2 where the operating surface member is positioned in a planar orientation for operation

as a table. Anacker does not teach or suggest any configuration wherein the operating surface is in a planar arrangement. The element defined in the Office Action as the “operating surface member” are portions of a sling 17 comprising seating sections 18 and 19 and a flexible section 22. (See Column 2, lines 6-14.) It should be noted that no configuration in Anacker suggests a planar arrangement for this operating surface member. The operating surface member is, in all configurations, non-planar as it wraps around various support members and is curved to sling around the back end portion of the cushions. Thus, Anacker does not teach, or even suggest, the reconfigurable furniture system recited in claim 1. Accordingly, claim 1 is clearly allowable over Anacker. Claims 2-7, and 10 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

With respect to claim 14, Anacker discloses a dual purpose chair in which the working surface member defined in the Office Action (i.e., the sling portions 18, 19, and 22) are supported in position by both the first and second support members (defined in the Office Action as elements 27 and 23, respectively), as well as the first and second cross-members (defined in the Office Action as elements 29 and 30, respectively). (See Office Action, page 2.) This is true for both the first and second configurations shown in Figures 4 and 1, respectively. In Figure 4, the operating surface member is supported at one end by the first and second cross members 29, 30, in the middle of the operating surface by the second support member 23 and at the opposite end of the operating surface member by the first support member 27. (See Figure 4.) When the frame in Anacker is rotated to the second configuration, shown in Figure 1, the operating surface member is still supported by both the first and second support members and the first and second cross members. In Figure 1, the operating surface member is supported at one end by the first support member 29, in the middle by the second support member 23, and at the opposite end of the operating surface member by the first and second cross members 29, 30. Thus, the dual purpose chair in Anacker requires the support of both first and second members and first and second cross members in both configurations. This is significantly different from the reconfigurable furniture system recited in claim 14. Claim 14 recites *inter alia* “an operating surface member resting on and supported by the first and second cross-

members when the furniture system is placed in the first configuration, the operating surface member resting on and supported by the first and second support members and not being supported by either the first or second cross-members when the furniture system is placed in the second configuration.” Thus, the reconfigurable furniture system in claim 14 defines an operating surface member which is supported by the first and second members and is not supported by either the first or second cross-member when the furniture system is in the second configuration. Anacker teaches directly away from such an arrangement by disclosing a furniture system in which the operating surface member requires support from both support members and cross-members in both configurations. Accordingly, claim 14 is clearly allowable over Anacker. Claims 15-20, and 23 are also allowable in view of the fact that they depend from claim 14, and further in view of the recitation in each of those claims.

Claims 1-4, 8-9, 14-16, and 20-22 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,367,874 to Casini. The applicant respectfully traverses this rejection and request reconsideration. An anticipation rejection requires the reference to teach “every aspect of the claimed invention either explicitly or impliedly.” (MPEP § 706.02(iv).) A careful analysis of Casini clearly shows that it does not meet the requirements of an anticipatory rejection. The Office Action asserts that Casini shows “the use of a first and second side frame members (1).” (See Office Action, page 2.) In sharp contrast to the broad term “side frame members,” claim 1, for example, recites side frames having first and second opposing portions and third and fourth opposing portions with specific details as to the nature of the connection between the first, second, third, and fourth portions of the first and second side frames. Casini discloses a solid wood or plastic side piece (see column 5, lines 45-51) defined in the Office Action as a side frame member. Nothing in Casini teaches the detailed elements of side frame members nor the detailed recitation of first and second support members or first and second cross-members, recited in claim 1. Casini cannot be held to anticipate claim 1 when none of those detailed elements are taught, or even suggested, by Casini.

Even if one considers the side panels of Casini as impliedly teaching the detailed structural elements recited in claim 1, Casini does not teach or suggest the

invention of claim 1. Specifically, claim 1 recites *inter alia* “an operating surface member being positioned on and supported by the first and second cross-members when the furniture system is in a first configuration with the second portion of the first side frame and the second portion of the second side frame resting on the support surface in the first configuration, the operating surface member being positioned proximate and supported by the first and second support members when the furniture system is in the second configuration with the third portion of the first side frame and the third portion of the second side frame resting on the support surface in the second configuration, whereby the entire operating surface member is maintained in a substantially planar arrangement when the furniture system is in the second configuration.” Casini does not have any structural elements that can be considered second portions of the first and second side frames that rest on a support surface in the first configuration or third portions of the first and second side frames that rest on the support surface when the reconfigurable furniture system is in the second configuration. At best, Casini shows the side frame members being flipped 180° from Figure 1 to Figure 2. While the Office Action states, at page 3, that Figures 1 and 2 of Casini demonstrate the first and second configurations, respectively, this cannot be the case. Casini does not teach or suggest any configuration by which the second portions of first and second side frames rest on the support surface in the first configuration and where the third portions of the first and second side frames rest on the support surface in the second configuration. This could be accomplished with a 90° rotation of the side frame members, which Casini does not teach. For this reason alone, claim 1 is clearly allowable over Casini.

Furthermore, Casini does not disclose any configuration in which the entire operating surface member is maintained in a substantially planar arrangement when the furniture system is in the second configuration. Thus, claim 1 is clearly allowable over Casini. Claims 2-6, 8, and 9 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

With respect to claim 14, Casini does not anticipate the detailed elements recited within the pending claim. While the Office Action broadly asserts that Casini shows first and second side frame members, Casini does not show, and thus does not

anticipate, first and second side frames “each having first and second sets of side frame members, the first set of side frame members providing vertical support when the furniture is placed in a first configuration and the second set of side frame members providing vertical support when the furniture is placed in a second configuration.” The Office Action fails to disclose what elements in Casini anticipate the specific language in claim 14. Even if one suggests that some part of a solid piece of material in Casini has side frame members, it should be noted that Figures 1 and 2 of Casini (defined as the first and second configurations in the Office Action) rely on these same set of side frame members to provide vertical support in both configurations. That is, the left and right sides of the side frame members in Figure 1 of Casini are simply flipped 180° and become the right and left side members. However, this teaches directly away from the reconfigurable furniture system recited in claim 14. For this reason alone, claim 14 is allowable over Casini.

Furthermore, claim 14 recites “first and second support members defining a plane that is vertically oriented when the furniture system is placed in the first configuration and horizontally oriented when the furniture system is placed in a second configuration.” The Office Action broadly defines the threaded rods 10 in Casini as serving the function of both first and second support members and first and second cross-members. However, the Office Action is totally silent as to which specific threaded rods actually serve those functions. It is clear from an analysis of Figures 1 and 2 that the threaded rods maintain essentially the same vertical orientation in the first and second configurations (see Figures 1 and 2 of Casini, respectively) because the side frame members are simply flipped upside down. Thus, there is nothing in Casini that teaches or suggests vertical orientation of support members in a first configuration and a horizontal orientation of support members when the furniture systems in the second configuration.

Finally, the operating surface member recited in claim 14 is “supported by the first and second support members and not being supported by the first or second cross-members when the furniture system is placed in the second configuration.” It should be noted that the threaded rods in Figures 1 and 2 of Casini (i.e., the first and second configurations defined in the Office Action) use essentially the same threaded

rods for the same function. While the Office Action never specifies which threaded rod is a support member versus a cross-member, it is clear that the working surfaces are supported by both the so-called cross members and the support members when in the second configuration. That is, the same rods that support the operating surface in Figure 1 support the operating surface in Figure 2. Thus, claim 14 is clearly allowable over Casini. Claims 15-18. and 20-22 are also allowable in view of the fact that they depend from claim 14, and further in view of the recitation in each of those claims.

Claims 11-13, and 24-34 stand rejected under 35 U.S.C. § 103(a) as unpatentable by Anacker . The applicant respectfully traverses this rejection and request reconsideration. The inapplicability of Anacker with respect to claims 1 and 14 has already been described in detail above. For the sake of brevity, the applicant need not repeat those same arguments. However, it is clear that Anacker does not teach, or even suggest the reconfigurable furniture system of claim 1 in which the entire operating surface member is maintained in a substantially planar arrangement when the furniture system is in the second configuration, as recited in claim 1. While various construction techniques recited in claims 11-13 may be well known, the specific construction techniques to construct the specific reconfigurable furniture arrangement recited in claim 1 is clearly not suggested by Anacker. For at least this reason, claims 11-13 are allowable over Anacker.

Similarly, claims 24-26 are directed to specific construction techniques. However, Anacker does not teach or suggest the specific structural arrangement recited in claim 14 wherein the operating surface member is supported by the first and second support members and not being supported by either the first or second cross-members when the furniture system is placed in the second configuration, as recited in claim 14. The use of the construction techniques recited in claims 24-26 used to construct the specific structure recited in claim 14 is not suggested by Anacker. Accordingly, claims 24-26 are clearly allowable over Anacker.

The Office Action rejects claims 27-34 in a single sentence asserting that “the method steps as recited would have been incorporated within the use of the invention as taught by Anacker.” (See Office Action, page 3.) The applicant respectfully disagrees with the assessment of Anacker. A careful reading of claim 27

clearly distinguishes the method from anything taught or suggested by Anacker. Claim 27 recites a method of reconfiguring furniture for multiple uses and when a frame is positioned with side supports and cross supports on a first side, “positioning an operating surface on an upper portion of the frame in a horizontal orientation to permit the operating surface to function as a table top.” Nothing in Anacker permits the operating surface (defined in the Office Action as the sling portions 18, 19, and 22) to be positioned on an upper portion of the frame in a horizontal orientation nor is there any configuration in Anacker that allows an operating surface to function as a table top. Indeed, Anacker is directed to a dual purpose chair while the method reconfigures furniture for multiple uses. The so-called operating surface member (i.e., the sling portions, 18, 19, and 22) are never in a horizontal configuration in Anacker and never function as a table top. For at least this reason, claim 27 is allowable over Anacker.

Furthermore, claim 27 recites rotating the frame 90° and repositioning the operating surface to function as a seat bottom. While Anacker shows operation as a seat bottom in one configuration, rotating the frame 90° does not result in any operating surface that functions as a table top. Thus, claim 27 is clearly allowable over Anacker. Claims 28-34 are also allowable in view of the fact that they depend from claim 27, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8029.

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